

COUNTY OF SACRAMENTO
CALIFORNIA

APPROVED
BY RESOLUTION # *2006-0708*
BOARD OF SUPERVISORS

For the Agenda of:
June 6, 2006

JUN - 6 2006

By *Cindy H. Turner*
Clerk of the Board

47

To: Board of Supervisors

From: Department of Water Resources

Subject: Resolution Authorizing The Director Of The Department Of Water Resources To Complete And Execute A Joint Use Preserve Management And Maintenance Agreement, On Behalf Of The County, With Southgate Recreation And Park District For Open Space Preservation Within The North Vineyard Station Specific Plan

Contact: ~~George Booth~~ (916)874-6484

Item 29 on the May 23, 2006 consent calendar was pulled and continued to June 6, 2006. The topic of interest is the preserve buffer adjacent to the rechannelization of Gerber Creek particularly the segment on the Texiera parcel, as shown on the attached exhibit.

Respectfully submitted,

Keith Devore
KEITH DEVORE, Director
Department of Water Resources

APPROVED:
TERRY SCHUTTEN
County Executive

By: *Cheryl Creson*
CHERYL CRESON, Administrator
Municipal Services Agency

Attachments: Exhibit showing Texiera property

cc. Herb Niederberger, Michael Peterson

AGENDA ITEM CONTINUATION MEMO

MEETING DATE: May 23, 2006

DEPARTMENT: Water Resources

TITLE: Resolution Authorizing The Director Of The Department Of Water Resources To Complete And Execute A Joint Use Preserve Management And Maintenance Agreement, On Behalf Of The County, With Southgate Recreation And Park District For Open Space Preservation Within The North Vineyard Station Specific Plan (D. Nottoli) (Water Resources)

BOARD ACTION: Continued To June 6, 2006.

COUNTY OF SACRAMENTO
CALIFORNIA

For the Agenda of:
May 23, 2006

To: Board of Supervisors

From: Department of Water Resources

Subject: Resolution Authorizing The Director Of The Department Of Water Resources To Complete And Execute A Joint Use Preserve Management And Maintenance Agreement, On Behalf Of the County, With Southgate Recreation And Park District For Open Space Preservation Within The North Vineyard Station Specific Plan

Contact: George H. Booth (916) 874-6484

Overview

The Drainage Master Plan for the North Vineyard Station Specific Plan calls for drainage channel construction in order to control the 100-year floodplain of Elder Creek and Gerber Creek. The resulting floodplain and riparian bufferland property will become a habitat preserve pursuant to requirements of federal wetland regulators. Such a preserve, necessarily requires a preserve manager and an operation plan. Southgate Recreation and Park District agreed on February 21, 2006 to serve as the manager of the preserve.

Recommendations

It is recommended that your Board adopt a resolution authorizing the Director of the Department of Water Resources to complete and execute on behalf of the County a Joint Use Preserve Management and Maintenance Agreement with Southgate Recreation and Park District, substantially in the form herewith presented.

Measures/Evaluation

Not applicable.

Fiscal Impact

The project is funded by Zone 11A and the North Vineyard Station Supplemental Drainage Fee, both of the Water Agency.

DISCUSSION:

The North Vineyard Station Drainage Master Plan calls for certain drainage improvements in order to contain the developed condition floodplain of Elder and Gerber Creeks in an area that will be perpetually managed as an open space preserve. The Army Corps of Engineers requires assurance that the aquatic and uplands habitat preserve will be managed in such a manner as to assure successful long-term restoration of the open-space area. Further, the Department of Water Resources requires functional drainage and flood control facilities for public safety purposes and for storm water quality mitigation measures.

The streambed alteration associated with the drainage master plan may only be constructed under the requirements of Endangered Species Act, the Clean Water Act, and a permit issued by the Army Corps of Engineers. The federal permit will require assurance of long term maintenance and annual biological reporting. The preserve manager will perform such activities as relate to the preservation of habitat. The County will perform normal maintenance activities related to drainage, storm water quality, and flood control.

Southgate Recreation and Park District agreed, at their Board hearing on February 21, 2006, to serve as the preserve manager. The Joint Use Preserve Management and Maintenance Agreement describes the arrangement between the County and Southgate Recreation and Park District pursuant to the Open Space Operations and Management Plan. The desire of all parties is to create an aesthetically pleasant open space corridor that, as a functional habitat preserve, will serve the drainage and flood control needs of the community.

Southgate will hold title to the preserve property and the County will have an easement for access and required maintenance activities. Southgate will enter into a Deed Restriction with the Corps of Engineers assuring perpetual preservation.

FINANCIAL ANALYSIS:

Zone 11A will credit the cost of channel and basin excavation and other trunk drainage construction associated with the project in accordance with Titles 1 and 2 of the Water Agency Code.

Costs including land acquisition and landscaping will be funded by the North Vineyard Station Supplemental Drainage Fee, approved by Resolution WA 2612, dated September 13, 2005.

Resolution Authorizing The Director Of The Department Of Water Resources To Complete And Execute A Joint Use Preserve Management And Maintenance Agreement, On Behalf Of the County, With Southgate Recreation And Park District For Open Space Preservation Within The North Vineyard Station Specific Plan

Page 3

The Storm Water Utility will provide perpetual funding for routine maintenance of the drainage facility for the purposes of drainage, flood control and storm water quality mitigation.

Southgate Recreation and Park District has funding through the project developers and ultimate homeowners for the perpetual preserve management activities for which they become obligated through the Agreement.

Respectfully submitted,



KEITH DEVORE, Director
Department of Water Resources

APPROVED:

Terry Schutten
County Executive

By: _____
CHERYL CRESON, Administrator
Municipal Services Agency

Attachments:

Resolution

NVS Preserve Reports and Publications can be found at
www.msa.sacounty.net/waterresources/files/Files.asp?c=dnvs

cc.

Ward Winchell – Southgate Recreation and Park District
Bill Forrest, Ted Thatcher, Keith DeVore – Department of Water Resources

RESOLUTION NO. 2006-0708
North Vineyard Station Specific Plan
Elder Creek And Gerber Creek Open Space Preserve Operations And Maintenance Plan
And Joint Use Preserve Management And Maintenance Agreement

WHEREAS, on November 10, 2004, the County approved the North Vineyard Station Specific Plan;

WHEREAS, the County has approved various tentative subdivision maps within the North Vineyard Station Specific Plan area;

WHEREAS, the approved tentative subdivision maps within the North Vineyard Station Specific Plan area require implementation of a Drainage Master Plan, including grading within Elder and Gerber Creeks;

WHEREAS, alteration of Elder and Gerber Creeks requires a Clean Water Act, Section 404 Permit from the United States Army Corps of Engineers;

WHEREAS, the County has agreed with the North Vineyard Station Specific Plan proponents to apply for the Section 404 Permit from the Army Corps of Engineers seeking authorization for the contemplated alteration of Elder and Gerber Creeks as would be required under the Drainage Master Plan;

WHEREAS, said 404 Permit has not yet been issued, however, in accordance with the stated intent of the Corps of Engineers to so condition its issuance, the post-construction floodplain and adjacent buffer-land along Elder and Gerber Creeks must become a habitat preserve and be placed into a preservation easement which area is to be maintained and inspected by a Preserve Manager;

WHEREAS, Southgate Recreation and Park District has agreed to serve as the Preserve Manager performing in perpetuity all of the preserve management requirements of the 404 Permit when issued, and to be funded from a community facilities district established by them.

NOW, THEREFORE, the Board of Supervisors, County of Sacramento, authorizes the Director of the Department of Water Resources to complete and execute on behalf of the County a Joint Use Preserve Management and Maintenance Agreement with Southgate Recreation and Park District.

*On a motion by Supervisor Nottoli, seconded by Supervisor Dickinson, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 6th day of June, 2006 with the following vote, to wit:

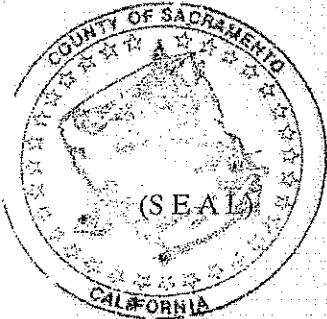
AYES:	Supervisors,	Dickinson, Nottoli, Peters, MacGlashan
NOES:	Supervisors,	None
ABSENT:	Supervisors,	Collin
ABSTAIN:	Supervisors,	None

Roberta MacGlashan

Chair of the Board of Supervisors
of Sacramento County, California

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on JUN - 6 2006

By *Greg Johnson*
Deputy Clerk, Board of Supervisors



ATTEST: *Cathy H. Turner*
Clerk, Board of Supervisors

FILED

JUN - 6 2006

BOARD OF SUPERVISORS
BY *Cathy H. Turner*
CLERK OF THE BOARD